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10/731,994	12/09/2003	Khatoun Shahrabaki	34874-068	5871
64280 7590 10/28/2008 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. ATTN: PATENT INTAKE CUSTOMER NO. 64280 ONE FINANCIAL CENTER BOSTON, MA 02111				
EXAMINER				
KE, PENG				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,994

Applicant(s)

SHAHBABAKI ET AL.

Examiner

SIMON KE

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/11/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 7/11/08.

Claims 1-19, and 21-23 are pending in this application. Claims 1, 11, 21, and 22 are independent claims. In the Amendment, filed on 7/11/08, claims 1, 3, 6, 11-19, and 21-22 were amended, and claim 23 is added.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 11, 21, and 23 are reject under 35 U.S.C. because phrase “a visual transition between the overlapping background regions is defined by a change from a graphic pattern of one of the overlapping background regions to a graphic pattern of the other back ground region” render the term “lacking a border” indefinite because the visual transition is the border between the two concurrently displayed and overlapping background regions.

The claim limitation is interpreted to be

a visual transition between the overlapping background regions is defined by a change from a graphic pattern of one of the overlapping background regions to a graphic pattern of the other background region.

Claim 1 includes the limitation “at least two concurrently displayed and non-overlapping background regions each including one or more related graphical structures; and two concurrently displayed and overlapping background regions...”

The claim limitation is interpreted to be

“at least two concurrently displayed and overlapping background regions each including one or more related graphical structures; and two concurrently displayed and overlapping background regions...”

Claims 11 and 21 include the limitation or similar limitation “the two or more background regions being arranged so that they do not overlap; and two concurrently displayed and overlapping...”

The claim limitation is interpreted to be

“the two or more background regions being arranged so that they may overlap; and two concurrently displayed and overlapping...”

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claims 11-19, and 21 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. The claims recite an apparatus comprising machines readable instruction and the apparatus can be reasonably be interpreted as a computer program per se. And computer program is non-statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-13, 15-19, 21, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee US Patent 7,017,122.

As per claim 1, Lee teaches a method of generating a graphical user interface (GUI), the method comprising:

grouping graphical user interface objects into object groups; (see Lee, fig. 6, col. 3, lines 55-70)

defining an arrangement for a plurality of the object groups, each object group corresponding to at least one relationship in the arrangement; (see Lee, fig. 6, col. 3, lines 25-col. 4, lines 35)

assigning a graphic pattern that is distinct for each relationship; (see Lee, col. 3, lines 40-65)

generating a graphical structure for each object to be represented in the GUI; (see Lee, col. 4, lines 45-62)

generating a background region for the GUI for each object group based on the assigned graphic pattern for the corresponding relationship for the object group; (see Lee, col. 4, lines 45-62) and

generating the GUI comprising:

at least two concurrently displayed and non-overlapping background regions each including one or more related graphical structures; (see Lee, fig. 6, col. 4, lines 25-45)

a visual transition between the overlapping background regions is defined by a change from a graphic pattern of one of the overlapping background regions to a graphic pattern of the other background region. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 2, Lee teaches the method in accordance with claim 1. Lee further teaches comprising displaying the GUI. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 3, Lee teaches the method in accordance with claim 1. Lee further teaches the method wherein a graphic pattern represents a color to be displayed in a background region. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 4, Lee teaches the method in accordance with claim 3. Lee further teaches the wherein each relationship in the arrangement is assigned a different color. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 6, Lee teaches the method in accordance with claim 1. Lee further teaches wherein a graphic pattern represents a shading pattern to be displayed in a background region. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 7, Lee teaches the method in accordance with claim 6. Lee further teaches wherein the shading pattern includes a plurality of lines. (see Lee, fig. 6)

As per claim 8, Lee teaches the method in accordance with claim 6. Lee further teaches wherein the shading pattern includes a color. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 9, Lee teaches the method in accordance with claim 1. Lee further teaches wherein at least one graphical structure is selectable by a user of the GUI for interaction. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 10, Lee teaches the method in accordance with claim 1. Lee further teaches wherein the arrangement is a hierarchy and each relationship in the hierarchy is a level in the hierarchy. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 11, Lee teaches an apparatus comprising machine-readable instructions to display a graphical user interface (GUI) comprising:

two or more background regions concurrently displayed in the GUI, each background region being based on a graphic pattern that is distinct, and the graphic pattern being assigned to a relationship in an arrangement defined for a plurality of object groups, each object group

including one or more graphical user interface objects, the two or more background regions being arranged so that they may overlap; (see Lee, fig. 6, col. 4, lines 25-45)

a visual transition between the overlapping background regions is defined by a change from a graphic pattern of one of the overlapping background regions to a graphic pattern of the other background region; (see Lee, fig. 6, col. 4, lines 25-45)

one or more graphical structures displayed in the GUI, each graphical structure representing one of the one or more objects and being disposed in at least one of the two or more concurrently displayed background regions corresponding to the relationship of the object. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 12, Lee teaches the in accordance with claim 11. Lee further teaches wherein a graphic pattern represents a color to be displayed in a background region. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 13, Lee teaches the in accordance with claim 12. Lee further teaches wherein each relationship in the arrangement is assigned a different color. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 15, Lee teaches the in accordance with claim 11. Lee further teaches wherein a graphic pattern represents a shading pattern displayed in a background region. (see

Lee, fig. 6, col. 4, lines 25-45)

As per claim 16, it is rejected under the same rationale as claim 7. Supra.

As per claim 17, Lee teaches the in accordance with claim 15. Lee further teaches wherein the shading pattern includes a color. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 18, Lee teaches the in accordance with claim 11. Lee further teaches wherein at least one graphical structure is selectable by a user of the GUI for interaction. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 19, Lee teaches the in accordance with claim 11. Lee further teaches wherein each relationship in the arrangement is a level in a hierarchy and the arrangement is a hierarchy. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 21, Lee teaches an apparatus comprising machine-readable instructions to display a graphical user interface (GUI) comprising:

two or more background regions concurrently displayed in the GUI, each background region being based on an opaque graphic pattern that is distinct, and the graphic pattern being assigned to a relationship in an arrangement defined for a plurality of object groups, each object

group including one or more graphical user interface objects, the two or more background regions being arranged so that they may overlap, with at least one of the background regions circumferentially surrounding one other background region; (see Lee, fig. 6, col. 4, lines 25-45)

a visual transition between the overlapping background regions is defined by a change from a graphic pattern of one of the overlapping background regions to a graphic pattern of the other background region (see Lee, fig. 6, col. 4, lines 25-45); and

one or more graphical structures displayed in the GUI, each graphical structure representing one of the one or more objects and being disposed in at least one of the two or more concurrently displayed background regions corresponding to the relationship of the object. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 22, Lee teaches a computer program product, tangibly embodied on a computer- readable storage medium, the computer program product comprising instructions to perform operations comprising:

generating graphical structures for each object to be represented in a graphical user interface (GUI), each object being represented by one or more of the graphical structures, each object being assigned to an object group from a plurality of object groups, each of the object groups being assigned a distinct graphic pattern, and the graphical structures are user interface

components comprising at least one user interface control; (see, Lee fig. 6, col. 3, lines 25-col. 4, lines 35)and

generating the GUI having first, second, and third graphic patterns for first, second, and third background regions, respectively, wherein: (see Lee fig. 6, lines 3-col. 4, lines 35)

the object groups comprise a object group assigned the first graphic pattern, a second object group assigned the second graphic pattern distinct from the graphic pattern, and a third object group assigned the second graphic pattern distinct from the first and second graphic patterns; (see Lee figure 6, col. 3, lines 25-col. 4, lines 35)

the first, second, and third background regions are concurrently displayed on a same plane of user interaction such that display of the first, second, and third background regions is not affected by user action with are not affected by user interaction graphical structures from at least two of the first, second, and third background regions; (see Lee, fig. 6, col. 3, lines 25-col. 4, lines 35) the first, second, and third background regions surround graphical structures of each corresponding background region; (see Lee, fig. 6, col. 3, lines 25-col. 4, lines 35) and

overlapping background regions reflect relationships between objects of graphical structures in each of the first, second, and third background regions, the relationships comprising:

a first relationship of the first background region being a first hierarchical level reflecting graphical structures of the first background region representing objects assigned to the first hierarchical level; (see Lee, fig. 6, lines col. 3, lines 25-col. 4, lines 35)

a second relationship of the second background region being a second hierarchical level reflecting graphical structures of the second background region representing objects assigned to the second hierarchical level and being higher in a hierarchy than the first hierarchical level, the second background region surrounding the first background region when the graphical structures of the first background region are within the confines of the second background region; (see Lee, fig. 6, col. 3, lines 25-col. 4, lines 35) and

a third relationship of the third background region being a third hierarchical level reflecting graphical structures of the third background region representing objects assigned to the third hierarchical level and being higher in the hierarchy than the first and second hierarchical levels, the third background region surrounding the second background region when the graphical structures of the second background region are within the confines of the third background region. (see Lee fig. 6, col. 3, lines 25-col. 4, lines 35)

As per claim 23, Lee teaches the product in accordance with claim 22. Lee further teaches wherein the first and second background regions are two concurrently displayed and overlapping background regions, where the overlapping background regions such that a visual transition between the overlapping background regions is defined by a change from a graphic

pattern of one of the overlapping background regions to a graphic pattern for the other background region. (see Lee fig. 6, col. 3, lines 25-col. 4, lines 35)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Lee US Patent 7,017, 122 in view of Young US Patent 6,177,933.

As per claim 5, Lee teaches the method in accordance with claim 4. Lee fails to teach wherein the different color is progressively lighter or darker according to the significance of the relationship in the arrangement.

Young teaches wherein the different color is progressively lighter or darker according to the significance of the relationship in the arrangement. (see Young, col. 3, lines 58-60, Young "Other techniques to highlight property overrides may include shading, front selection, animation, and transparent overlays.")

It would have been obvious to an artisan at the time of the invention to include Young's teaching with method of Lee in order to retain visual continuity between data set displayed on a computer monitor.

As per claim 14, it is rejected under the same rationale as claim 5. Supra.

Response to Arguments

Applicant's arguments filed 7/11/08 have been fully considered but they are not persuasive.

Applicant's argument focused on

Whether Lee teaches the first, second, and third back ground regions are concurrently display on a same plane of user interaction such that display of the first, second, and third back ground regions is not affect by user action with graphical structure from at least two first, second and third background regions?

The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Lee teaches limitation because it concurrently displays three different backgrounds in its figure. 6. Furthermore, the user's interaction does not effect these backgrounds because the interactions only overlay one back ground over another and do not affect the color and the size of the each background. (see Lee, fig. 6, col.4, lines 25-35)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke
/Peng Ke/
Primary Examiner, Art Unit 2174